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10/676,620	09/30/2003	Michael R. Harris	5620-0007	7940

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/676,620	HARRIS, MICHAEL R.	
	Examiner	Art Unit	
	LUN-SEE LAO	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08-11-2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,6-19 and 22-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4, 6-19 and 22-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Introduction

1. This action is in response to the amendment filed on 03-10-2009. Claims 7,8, 13-17, 19 and 25 have been amended and claim 2-3, 5, 18 and 20-21 have been canceled and claims 26-30 have been added. Claims 1, 4, 6-19 and 22-30 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08-11-2009 has been entered.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "A transceiver, comprising: a radio data system (RDS) modulator configured to generate a modulated text data signal modulated as digital RDS signal using a digitized 57kHz subcarrier in response to receiving an external audio transmission including text data and an audio signal, wherein the text data is configured to provide ancillary information descriptive of the audio signal; a frequency modulation (FM) encoder configured to generate an FM

encoded audio signal in response to the audio signal; a signal combiner configured to combine the modulated text data signal and the FM encoded audio signal into a combined signal; and an FM transmitter configured to transmit the combined signal" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 13- 17 and 26-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 13 recited limitation " A transceiver, comprising: a radio data system (RDS) modulator configured to generate a modulated text data signal modulated as digital RDS signal using a digitized 57kHz subcarrier in response to receiving an external audio transmission including text data and an audio signal, wherein the text data is configured to provide ancillary information descriptive of the audio signal; a frequency modulation (FM) encoder configured to generate an FM encoded audio signal in response to the audio signal; a signal combiner configured to combine the modulated text data signal and the FM encoded audio signal into a combined signal; and an FM transmitter configured to transmit the combined signal" (under line) was not supported in the specification nor in any claim originary presented and in any figures.

6. Claim 17 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed; had possession

of the claimed invention. Claim 17 recited "a housing configured to mount the satellite audio receiver and at least one of the RDS modulator, the FM encoder, the signal combiner, or the FM transmitter" was not supported in the specification nor in any claim originary presented and in any figures.

7. Claim 28 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed; had possession of the claimed invention. Claim 28 recited "an analog-to-digital (A/D) converter for converting an oscillatory 57kHz subcarrier into the digitized 57kHz subcarrier ". However, the specification was not supported in the specification nor in any claim originary presented and in any figures.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. . Claim 13, 19 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang et al. (US PAT. 5,881,365).

Consider claim 13 as base on 112 first paragraph promlem state above, Yang teaches a transceiver(see figs. 2, 3), comprising: a radio data system (RDS) modulator(42) configured to generate a modulated text data signal modulated as digital RDS signal using a digitatized 57kHz subcarrier(see col. 5 line 39-53) in response to receiving an external audio transmission(telephone network)(see fig.2(26)) including text data(42, reads on the I.D. number)) and an audio signal(reads on the voice massage), wherein the text data(see fig.2(26)) including text data(42, reads on the I.D. number)) is configured to provide ancillary information descriptive of the audio signal(reads on the voice massage(particular pager)); a frequency modulation (FM) encoder(24) configured to generate an FM encoded audio signal in response to the audio signal; a signal combiner (46) configured to combine the modulated text data signal (42) and the FM encoded audio signal(40) into a combined signal; and an FM transmitter(52) configured to transmit the combined signal(see figs. 2,3 and col. 5 line 65-col. 6 line 67).

Consider claim 19 Yang teaches handheld audio player, comprising: a storage device (see fig.2 (3)); a processor(24) configured to receive an audio signal(26) and text data(26) providing ancillary information descriptive of the audio signal from the storage device(34,36), to generate from the received text data a modulated text data signal including speech encoding of the text data(36), to combine the modulated text data and the audio signal into a combined audio signal(46), and to convert the combined audio signal into an FM signal; and a frequency modulation (FM) transmitter(52) configured to transmit the FM signal(see figs. 2,3 and col. 5 line 65-col. 6 line 67).

Consider claim 28 as base on 112 first paragraph promlem state above, Yang teaches the transceiver further comprising an an alogoto-digital (A/D) converter (by computer's cpu) for converting an oscillatory 57kHz subcarrier into the digitized 57kHz subcarrier(see col. 5 line 39-53).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1, 9-12,19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US PAT. 6,782,239) in view of Nakano (US PAT. 6,836,668).

Consider claim 1 Johnson teaches an FM transmitter comprising(see figs. 1-3): a processor(see fig. 3 (21)) configured to receive text data providing ancillary information descriptive of an audio signal (reads on descriptive data related to a song encoded in MP3 format, such as a title of the song), and to encode the audio signal and the text data according to an FM standard into an FM digital signal; a converter (64) configured to convert the FM digital signal into an analog FM signal; and a transmitter (50) configured to transmit the analog FM signal(see col. 5 line 60-col. 6 line 49) but

Johnson does not explicitly teach to convert the text data into digitally encoded speech before the text data was encoded with the audio signal for transmission purpose .

However, Nakano teaches an FM transmitter comprising: a processor (see fig, 9)) configured to receive text data providing ancillary information descriptive of an audio signal, to convert the text data into digitally encoded speech (see 63 in fig. 2 or 6 in fig. 1(see col. 3 line 45-col. 4 line 63).

Therefore, it would have been obvious to one of the ordinary skill in the at the time the invention was made to combine the teaching of Nakano in to Johnson so that the text data of Johnson could have been converted to speech data before it is transmitted to another location so that text data could have been produced as an audio output to users in the other location.

Consider claims 9-12 Johnson teaches the FM transmitter(see fig.3) wherein: an auxiliary audio device(23) is configured to generate the audio signal; and the processor(21) is a control processor of the auxiliary audio device(see col. 5 line 60-col. 6 line 49); and the FM transmitter, wherein the auxiliary audio device is includes a device selected from a group consisting of a CD player, a CD-MP3 player, a universal satellite receiver, and a digital audio broadcast receiver(see figs 1-3 and col.9 line 45-67); and the FM transmitter further comprising a wireless remote control receiver coupled to the auxiliary audio device, wherein the wireless remote control receiver is configured to receive commands to control the auxiliary audio device and to receive commands to select text data to be transmitted in the FM signal(see figs 1-3 and col. 5 line 1-col. 6 line 39); and the FM transmitter further comprising: a housing physically

distinct from the auxiliary audio device and to which the processor, the converter, and the transmitter are mounted, wherein the housing includes: an audio input configured to receive the audio signal from an auxiliary audio device; and a data input configured to receive the text data from the auxiliary audio device(see figs 1-3 and col. 5 line 1-col. 6 line 39).

Consider claim 19 Johnson teaches handheld audio player(see figs 1-3), comprising: a storage device (see fig.3 (25)); a processor(21) configured to receive an audio signal(23a) and text data(26) providing ancillary information descriptive of the audio signal from the storage device(34,36), to generate a modulated text data signal including speech encoding of the text data(36), to combine the modulated text data(MP3 includes all titles text data) and the audio signal into a combined audio signal(reads on, MP3 and WMA), and to convert the combined audio signal into an FM signal; and a frequency modulation (FM) transmitter (52,46) configured to transmit the FM signal(see figs. 1-3 and col. 5 line 65-col. 6 line 67); but Johnson does not explicitly teach to convert the text data into digitally encoded speech before the text data was encoded with the audio signal for transmission purpose .

However, Nakano teaches an FM transmitter comprising: a processor (see fig, 9)) configured to receive text data providing ancillary information descriptive of an audio signal, to convert the text data into digitally encoded speech (see 63 in fig. 2 or 6 in fig. 1(see col. 3 line 45-col. 4 line 63).

Therefore, it would have been obvious to one of the ordinary skill in the at the time the invention was made to combine the teaching of Nakano in to Johnson so that the text

data of Johnson could have been converted to speech data before it is transmitted to another location so that text data could have been produced as an audio output to users in the other location.

Consider claim 22 Johnson teaches the handheld audio player wherein the handheld audio player is includes at least one of a compact disc (CD) player, a flash player, an MP3 player, or a hard disk drive (HDD) jukebox(see figs. 1-3 and col. 5 line 65-col. 6 line 67).

Consider claim 23 Johnson teaches the handheld audio player, wherein the processor (see fig.3 (21)) is configured to combine the digitally encoded speech and the audio signal into a combined digital audio signal; wherein a converter (64) is configured to convert the combined digital audio signal into a combined analog audio signal; and wherein the FM transmitter (50) is configured to transmit the combined analog audio signal(see figs. 1-3 and col. 5 line 65-col. 6 line 67); but Johnson does not explicitly teach to convert the text data into digitally encoded speech before the text data was encoded with the audio signal for transmission purpose .

However, Nakano teaches an FM transmitter comprising: a processor (see fig, 9)) configured to receive text data providing ancillary information descriptive of an audio signal, to convert the text data into digitally encoded speech (see 63 in fig. 2 or 6 in fig. 1(see col. 3 line 45-col. 4 line 63).

Therefore, it would have been obvious to one of the ordinary skill in the at the time the invention was made to combine the teaching of Nakano in to Johnson so that the text data of Johnson could have been converted to speech data before it is transmitted to

another location so that text data could have been produced as an audio output to users in the other location.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US PAT. 6,782,239) as modified by Nakano (US PAT. 6,836,668) as applied to claims 1 and 19 above and further in view of Zhang (US PAT. 6,295,362).

Consider claim 4 Johnson teach the FM transmitter further comprising a filter (see fig.3 (31)) configured to filter the analog FM signal to exclude signal components outside of a range of frequencies according to an FM standard; but but Johnson does not explicitly a bank-pass filter.

However, Zhang teaches that the FM transmitter further comprising a band- pass filter(see fig.2 (113)) configured to filter the analog FM signal to exclude signal components outside of a range of frequencies according to an RDS standard(see col. 4 line 52-col.5 line 32).

Therefore, it would have been obvious to one of the ordinary skill in the at the time the invention was made to combine the teaching of Zhang into Johnson so that noise in the radio data control system could have been effectively reduced.

12. Claims 6-8 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US PAT. 6,782,239) as modified by Nakano (US PAT. 6,836,668) as applied to claims 1 and 19 above and further in view of Anderson (US PAT. 5,721,783).

Consider claim 6 Johnson and Nakano does not explicitly teach the FM transmitter wherein the processor includes a signal combiner is configured to time-division multiplex the digitally encoded speech and the audio signal to generate the FM digital signal.

However, Anderson teaches teach the FM transmitter wherein the processor (see fig.2 (23)) includes a signal combiner (see fig.2 (28)) is configured to time-division multiplex the digitally encoded speech and the audio signal to generate the FM digital signal (see figs 2 , 9 and col. 13 line 23-67 and col. 16 line 1-67).

Therefore, it would have been obvious to one of the ordinary skill in the at the time the invention was made to combine the teaching of Anderson into the teaching of Johnson and Nakano so that the transmission frequencies undergo a hopping sequence for increasing the power at which the signals are transmitted.

Claims 8, 24, they are essentially similar to claim 6 and rejected for the reason stated above apropos to claim 6.

Consider claim 7 Johnson a as modified by Nakano teaches the processor includes code to control the processor to convert the text data into the digitally encoded speech(voice) (in Nakano and see figs 1-6 and see col. 3 line 45-col. 4 line 63).

13. Claims 14, 17, 26, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. (US PAT. 5,881,365) in view of Lee (US PAT. 6,374,177).

Consider claim 14 Yang does not explicitly teach the transceiver further comprising: a satellite audio receiver wherein at least one of the RDS modulator, the FM encoder, or the signal combiner are implemented in the processor of the satellite audio receiver.

However, Lee teaches a satellite audio receiver wherein at least one of the RDS modulator, the FM encoder, or the signal combiner are implemented in the processor of the satellite audio receiver (see figs 1-3 and col. 2 line 13-59, col.6 line 33-67).

Therefore, it would have been obvious to one of the ordinary skill in the at the time the invention was made to combine the teaching of Lee in to Yang provide satellite radios to transmit over large geograghic areas and for international internet audio broadcasts so that the transmission frequencies undergo a hopping sequence for increasing the power at which the signals are transmitted.

Consider claim 17 Yang as modified by Lee teaches the transceiver further comprising a housing configured to mount the satellite audio receiver and at least one of the RDS modulator, the FM encoder, the signal combiner, or the FM transmitter(in Lee, see figs 1-3 and col. 2 line 13-59, col.6 line 33-67).

Consider claim 26, 27 and 30 Yang as modified by Lee teaches the transceiver wherein the RDS modulator is configured to receive an external audio transmission from a consumer electronic device providing the audio signal in analog audio format (in Lee, see figs 1-3 and col. 2 line 13-59, col.6 line 33-67); and the transceiver wherein the RDS modulator is configured to receive an external audio transmission from a universal satellite receiver providing the audio signal in stereo audio format(in Lee, see figs 1-3 and col. 2 line 13-59, col.6 line 33-67); and the transceiver further comprising a user

control enabling different items from the text data to be selected for transmission to vary the display of an external RDS-capable receiver (in Lee, see figs 1-3 and col. 2 line 13-59, col.6 line 33-67).

14. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. (US PAT. 5,881,365) in view of Grimes (US PAT. 6,377,822) .

Consider claims 15 and 16 Yang does not explicitly teach the transceiver further comprising: a converter configured to convert the digital RDS signal into an analog RDS signal and wherein the signal combiner is configured to sum the analog RDS signal and the FM encoded audio signal into a combined FM analog audio; and the transceiver wherein the FM encoder is configured to generate an FM encoded digitized audio signal and further including a converter configured to convert the combined digital RDS signal and the FM encoded digitized audio signal into a combined FM analog audio signal.

However, Grimes teaches the transceiver(see fig.1 (106)) further comprising: a converter (see fig.1 (104)) configured to convert the digital RDS signal into an analog RDS signal and wherein the signal combiner is configured to sum the analog RDS signal and the FM encoded audio signal into a combined(see fig.1 (101)) FM analog audio(see fig. 1 and col. 2line 23-col. 3 line 26); and the transceiver wherein the FM encoder is configured to generate an FM encoded digitized audio signal and further including a converter (104)configured to convert the combined digital RDS signal and the FM encoded digitized audio signal into a combined FM analog audio signal(see fig. 1 and col. 2line 23-col. 3 line 26).

Therefore, it would have been obvious to one of the ordinary skill in the at the time the invention was made to combine the teaching of Grimes in to Yang to provide the transmission frequencies undergo a hopping sequence for faster which the signals are transmitted.

15. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. (US PAT. 5,881,365) in view of Anderson (US PAT. 5,721,783).

Consider claim 29, Yang, Johnson does not explicitly teach the transceiver wherein the FM transmitter is configured for low-power, short-range broadcast.

However, Anderson teaches the transceiver wherein the FM transmitter is configured for low-power, short-range broadcast (see figs 2, 9 and col. 13 line 23-67 and col. 16 line 1-67).

Therefore, it would have been obvious to one of the ordinary skill in the at the time the invention was made to combine the teaching of Anderson into the teaching of Yang to provide saving the power at which the signals are transmitted.

16. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. (US PAT. 5,881,365) as modified by Lee (US PAT. 6,374,177) as applied to claims 13 and 14 above and further in view of Johnson et al. (US PAT. 6,782,239).

Consider claim 25, Yang does not explicitly teach the transceiver of wherein the FM transmitter is tunable for retransmission of the broadcast transmission received by the

satellite audio receiver to an available channel of an RDS-capable preinstalled FM stereo car receiver.

However, Johnson the transceiver of wherein the FM transmitter is tunable for retransmission of the broadcast transmission received by the FM audio receiver to an available channel of an RDS-capable preinstalled FM stereo car receiver(see figs 1,2 and col. 4 line 66-col. 5 line 59).

Therefore, it would have been obvious to one of the ordinary skill in the at the time the invention was made to combine the teaching of Johnson in to the teaching of Yang and Lee provide more choice to entertainment the user.

On the other hand, , Lee teaches a satellite audio receiver (see figs 1-3 and col. 2 line 13-59, col.6 line 33-67).

Therefore, it would have been obvious to one of the ordinary skill in the at the time the invention was made to combine the teaching of Lee in to the teaching of Yang and Johnson provide satellite radios to transmit over large geograghic areas and for international internet audio broadcasts so that the transmission frequencies undergo a hopping sequence for increasing the power at which the signals are transmitted.

Response to Arguments

17. Applicant's arguments with respect to claim1, 4, 6-19 and 22-30 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued that Yang does not show a transceiver comprising an RDS modulator configured to generate a modulated text data signal modulated as a digital

RDS signal using a digitized 57kHz subcarrier (see the remarks page 10, 3rd paragraph).

The examiner disagrees that. Yang teaches a radio data system (RDS) modulator(42) configured to generate a modulated text data signal modulated as digital RDS signal using a digitized 57kHz subcarrier(see fig.1 and col. 5 line 39-53) in response to receiving an external audio transmission(telephone network)(see fig.2(26)) including text data(42, reads on the I.D. number)) and an audio signal(40, reads on the voice massage).

Applicant further argued that Yang fail to teach wherein the text data is configured to provide ancillary information descriptive of the audio signal(see the remarks page 10, last paragraph).

The examiner disagrees that. Yang discloses wherein the text data (see fig.2 (26)) including text data (42, reads on the I.D. number)) is configured to provide ancillary information descriptive of the audio signal (reads on the voice massage (particular pager)) (see figs. 2, 3 and col. 5 line 65-col. 6 line 67). Person skill in the art understand that the ID number (such as, telephone number) is data and voice massage is audio signal. The ID number related to the voice massage, therefore, it is configured to provide ancillary information descriptive of the audio signal. It meets the limitation as recited in claim 13.

Applicant further argued that Yang does not show the recited handheld audio player (see the remarks page 11, last paragraph).

The examiner responds that. Yang discloses the telephone and computer which are handheld audio player in broader interpretation. On the other hand, handheld audio player is in the premble and is not accorded with much weight. It meets the claimed limitation.

Applicant further argued that Anderson a signal combiner configured to time-division multiplex the digitally encoded speech and the audio signal (see the remarks page 14, 3rd and last paragraphs).

The examiner disagrees that. Anderson teaches teach the FM transmitter wherein the processor (see fig.2 (23)) includes a signal combiner (see fig.2 (28)) is configured to time-division multiplex the digitally encoded speech and the audio signal to generate the FM digital signal (see figs 2 , 9 and col. 13 line 23-67 and col. 16 line 1-67). It meets the claimed limitation.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. Any response to this action should be mailed to:

Mail Stop ____(explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Facsimile responses should be faxed to:
(571) 273-8300
Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building

401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501 The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao,Lun-See
/LUN-SEE LAO/
Examiner, Art Unit 2614
Patent Examiner
US Patent and Trademark Office
Knox
571-272-7501
Date 10-16-2009

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2614